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April 15, 2021

VIA ELECTRONIC FILING (Public Version) and
VIA HAND-DELIVERY (Confidential Version)

The Honorable Jocelyn G. Boyd
Chief Clerk/ Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

Re: James T. Simmons v. Duke Energy Carolinas, LLC
Docket Number: 2021-95-E

Dear Ms. Boyd:

Enclosed for filing, please find Duke Energy Carolinas, LLC's (the "Company") Verified Answer and Motion to Dismiss the Complaint filed in the above-referenced docket. The Company requests that the Commission hold in abeyance the filing deadlines for all parties and the hearing date pending resolution of the motion. The Company also requests that the Commission grant confidential treatment of the confidential version of the Motion and its exhibits on the basis that they contain customer-specific account information.

By copy of this letter we are serving the same on the parties of record.

Sincerely,

Katie M. Brown

Enclosure

cc: James T. Simmons (via U.S. Mail and email)
Alexander W. Knowles, Office of Regulatory Staff (via email)
C. Lessie Hammonds, Office of Regulatory Staff (via email)
Carri Grube Lybarker, Department of Consumer Affairs (via email)
Roger P. Hall, Department of Consumer Affairs (via email)
Heather Shirley Smith, Duke Energy Carolinas, LLC (via email)
Rebecca J. Dulin, Duke Energy Carolinas, LLC (via email)
Jerisha Dukes, Public Service Commission of South Carolina (via email)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-95-E

IN RE:)	
)	
James T. Simmons,)	
Complainant,)	
)	
v.)	
)	
Duke Energy Carolinas, LLC,)	
Respondent)	

	DUKE ENERGY CAROLINAS,
	LLC’S VERIFIED ANSWER AND
	MOTION TO DISMISS
	COMPLAINT

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby answers the complaint filed in the above-referenced proceeding and moves the Public Service Commission of South Carolina (“Commission”) to dismiss the above-captioned matter on the merits because the Complaint fails to adequately allege any violation of a Commission-jurisdictional statute or regulation, and a hearing in this case is not necessary for the protection of substantial rights. The Company requests confidential treatment of the confidential version of this motion and its exhibits pursuant to S.C. Code Ann. Reg. 103-804(S)(2), the S.C. Freedom of Information Act—S.C. Code Ann. § 30-4-10, et seq.—and the Family Privacy Protection Act—S.C. Code Ann. § 30-2-10, et seq.—on the basis that they contain customer-specific account information. The Company also requests that the filing deadlines for all parties and the hearing date be held in abeyance until this motion is resolved. In support of its motion, DEC shows the following:

BACKGROUND

James T. Simmons filed a complaint in the above-referenced proceeding, which was docketed on March 16, 2021. The complaint states that Mr. Simmons' power bills have increased from approximately [REDACTED] per month to approximately [REDACTED] per month but that nothing has changed in his home or his electricity usage. Mr. Simmons has been served by an AMI meter since [REDACTED]. According to his three-year billing and payment history, which is attached hereto as Exhibit A, Mr. Simmons' bills [REDACTED]

[REDACTED]. While his monthly winter electricity usage was around [REDACTED]

[REDACTED], as show in the following chart:

On February 17, 2021, the Company tested the customer's meter at his request and no problems were found with the meter. The meter tested at 100.14 at full load and at 100.10 at light load, which is well within the Commission's tolerances prescribed at S.C. Code Ann. Regs. 103-323.

ANSWER AND ARGUMENT

DEC denies all allegations contained in the Complaint not otherwise expressly admitted herein. The Company lacks information sufficient to form a belief as to what appliances and devices Complainant uses in his home, for how long he uses the appliances and devices, and as to the power consumption of those appliances and devices.

Mr. Simmons' electricity usage [REDACTED].

Further, the meter was tested and found to be within the accuracy tolerances prescribed by the Commission. Based upon the results of the meter testing and Mr. Simmons' seasonal electricity usage patterns described above, the high usage appears to be on the customer's side of the meter.

Because the Complaint filed by Mr. Simmons contains no allegation supporting a finding that DEC has violated any applicable statute or regulation for which the Commission can grant relief—and because, pursuant to S.C. Code Ann. § 58-27-1990, a hearing in this case is not necessary in the public interest or for the protection of substantial rights—the Company requests that this matter be dismissed. The Company requests confidential treatment of the confidential version of this motion and its exhibits pursuant to S.C. Code Ann. Reg. 103-804(S)(2), the S.C. Freedom of Information Act, and the Family Privacy Protection Act on the basis that it contains customer-specific account information.

Finally, the Company would invite Complainant to sign up for a free Home Energy House Call, which is available to homeowners under the Company's Residential Energy Assessment Program rider. Based upon the matters discussed in the Complaint, this energy efficiency program could be of benefit to this customer. Under this program, a trained energy specialist will visit the residence at the customer's convenience to conduct a thorough in-home analysis. The energy specialist analyzes total home energy usage, checks the home for air leaks, examines insulation

levels, and reviews appliances and the heating/cooling system. The expert then provides a custom-tailored report detailing steps that can be taken by the customer to increase energy efficiency and lower the energy bill. As part of this program, the Company also provides a free energy efficiency starter kit that includes LED lightbulbs, an energy-efficient showerhead, switch and outlet energy seals, among other items. Customers can request a Home Energy House Call by visiting <https://www.duke-energy.com/Home/Products/Home-Energy-House-Call> or calling 844-DING-DONG (844-346-4366).

CONCLUSION

Complainant fails to adequately allege that DEC has violated any Commission jurisdictional statute or regulation. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice, requests confidential treatment of the confidential version of this motion and its exhibits, requests that the Commission hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and requests such other relief as the Commission deems just and proper.

Respectfully submitted this 15th day of April, 2021.

s/ Katie M. Brown

Katie M. Brown, Counsel
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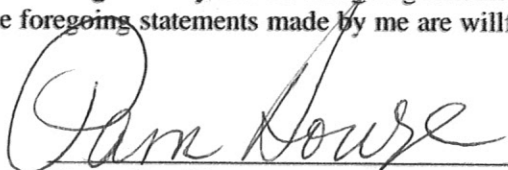
Samuel J. Wellborn (SC Bar No. 101979)
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Columbia, SC 29211

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Attorneys for Duke Energy Carolinas, LLC

CERTIFICATION

I, Pam Howze, state and attest, under penalty of perjury, that I have reviewed the foregoing Duke Energy Carolinas, LLC's Verified Answer and Motion to Dismiss Complaint, and, in the exercise of due diligence, have made reasonable inquiry into the accuracy of the information and representations provided therein; and that, to the best of my knowledge, information, and belief, all information contained therein is accurate and true and contains no false, fictitious, fraudulent or misleading statements; that no material information or fact has been knowingly omitted or misstated therein, and that all information contained therein has been prepared and presented in accordance with all applicable South Carolina general statutes, Commission rules and regulations, and applicable Commission Orders. Any violation of this Certification may result in the Commission initiating a formal review proceeding. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.



Name: Pam Howze

Title: Senior Consumer Affairs Specialist
Duke Energy Carolinas, LLC

Duke Energy Carolinas, LLC,
Respondent

**DUKE ENERGY CAROLINAS,
LLC'S ANSWER AND MOTION
TO DISMISS COMPLAINT**

CONTAINS CONFIDENTIAL CUSTOMER INFORMATION

FILED UNDER SEAL

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-95-E

IN RE:

James T. Simmons,
 Complainant,

v.

Duke Energy Carolinas, LLC,
 Respondent

CERTIFICATE OF SERVICE

The undersigned, Lyndsay McNeely, Paralegal for Duke Energy Carolinas, LLC, does hereby certify that she has served the persons listed below with a copy of Duke Energy Carolinas, LLC's Verified Answer and Motion to Dismiss Complaint in the above-captioned proceedings via electronic mail and U.S. Mail as specified below on April 15, 2021.

Alexander Knowles
 Office of Regulatory Staff
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C. Lessie Hammonds
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Carri Grube Lybarker
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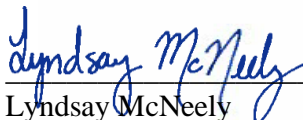
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Katie M. Brown
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Samuel J. Wellborn
 Robinson Gray Stepp & Laffitte, LLC
swellborn@robinsongray.com

Dated this 15th day of April, 2021.


 Lyndsay McNeely